WASHINGTON, FRIDAY, NOVEMBER 1, 1901.

#### RETRACTED BY MR. JEROME

His Statement Regarding Senator Platt Qualified.

He Accepts the Assurance That His Candidacy Was Not Discussed at the Famous Conference - Withdrawnl Limited to That Extent.

NEW YORK, Oct. 31 .- "The incident is closed." That is the way Justice Jerome put it himself tonight at the Murray Hill Lyceum, after reading a prepared state-ment relative to his speech of last night in which he said that Senator Platt, Wil-Ham C, Whitney, and Thomas F. Ryan had conferred in Mr. Whitney's office, and that he believed that their conference related to his candidacy for the dis-trict attorneyship. Here is his state-

'I stated last night that a conference had taken place between certain persons in this city; that I thought that I knew what they were conferring about, and that I believed Mr. Whitney's interest was in my canvasa for reasons which are obvious. I never willfully misstated a fact, and whenever I find that I have made an incorrect statement, I will withdraw it as publicly as the statement was

"Today a gentleman who is in a posiow, and in whose honor and integrity I believe, came to me and gave me assurances that there was at that meeting no discussion of any political question between Mr. Platt and Mr. Whit-These statements I accept. I am satisfied from the assurances that I have received today that the Republican organization in this city will lovally sunport the whole ticket, without exception and that the returns on election day will show that this has been done. That is exactly my position, and to that extent I qualify the statement that I made. and I qualify it to that extent, and to no other extent." That was the end of the prepared state-

ment. Then Justice Jerome said: "Now, don't understand me as trying, at this late hour of a great campaign, a campaign waged as I believe in the in-terest of decency against indecency, a campaign waged for the right-far be it from me to do or say anything that would inject into it an element of strife. I say that, so far as I am concerned, this incident is closed. I have implicit faith in every Republican who believes that the great body of dectrine upon which the Republican party stands is for the benefit of this nation and for the benefit of the

"I stand on another platform myself, so far as it touches national and State affairs. I believe as sincerely and heartily in the great body of doctrine that makes up the faith of the Democratic party, and when it comes to a question into which politics can enter I will be found stand-ing with those who believe as I do. I presume the bulk of you will be found standing where those of your own political faith do, and we will lock horns and

fight it out, and cleanly."

Justice Jerome went to his headquarters in Canal Street today two hours earlier than usual. If he expected that he was to have more callers than usual, as a result of his speech the night before, it was a shrewd guess. The place was crowded our after breakfast until Jerome left, late in the afternoon, for the

Union Club to get an hour's rest.

Among the callers were Robert C. Morris, Chairman of the Republican County Executive Committee; George H. Sheldon, treasurer, and George R. Manchesmptroller; Willis L. Ogden, Chairman of the Fusion Advisory Committee, and R. Fulton Cutting, Chairman of the Citi-

Mr. Ogden and Mr. Cutting did not get a chance to talk with Justice Jerome, because they could not wait long enough for him to get excused from earlier call-All the others referred to did see Mr. Jerome, and they had long talks with

Mr. Merris, Mr. Ten Eyek and Mr. Sheldon came together. It was the first time that any of them had been down to the Canal Street headquarters. Everybody around the headquarters took it for granted they would not have been there today if Mr. Jerome had not attacked Senator Platt in his Lyric Hall speech, and industed that the Senator had negotiated a deal with William C. Whitney and Thomas F. Ryan to defeat the fusion candidate for district attorney.

Mr. Manchester was at the headquarters when Mr. Jerome got there, not because of the Lyric Hall speech, but by appointment made the day before. Mr. Manchester had with him a crowd of Italians, who wanted to see Mr. Jetome in his office and assure him of their support. Mr. Manchester introduced them all, and then had a chast with Mr. Jerome himself. around the headquarters took it for

seif.

Mr. Grout, the fusion candidate for comptroller, was in Justice Jerome's private room for ten minutes. When he came out he said:

"I have believed from the first the Re-

"I have believed from the first the Re-publicans will support the entire fusion ticket, and I am still absolutely confident of that support."
Chairman Cutting, of the Citizen's Union, who did not see Mr. Jerome, said:
"I believe that his Platt speech has made votes. It ought to attract a great many labor votes."
One of the callers not so setter in

er who brought proceedings against the state Trust Company. There was the sunst daily run of callers who hang iround the Canal Street headquarters

around the Canal Street headquarters walking for an opportunity to see the candidate. As usual, many of these callers brought small contributions to the Jerome campaism fund. One man handed Justice Jerome a 19 bill with the remark: "That's for what you said last night." There was no failing off in the number of checks received by mail, and in the afternoon mail there were numerous references to the Platt speech. All the writers of these letters told Jerome they admired him and would vote for him, anyhow. Some praised him for having the nerve to attack the leader of the Republican party in the State just at this time. Others, not so many, however, remonstrated mildly, and expressed their fears as to the result on election day.

While Justice Jerome was at lunch in a Broadway cafe a reporter said to him: "I have just seen Senator Platt, He tells me that he has not seen you today, or communicated with you directly, but that he has been assured by a man you both trust that you will retract the material allegations against him. Is that so".

"The material allegation," repeated

the necessation.
"I have been quoted as saying that
Senator Platt, Mr. Whitney and Mr. Ryar

got together and plotted to defeat me.
did not say that I said that those three
men had a conference, and I know that
they did. I said that Mr. Whitney wanted
to see Senator Platt about the district
attorneyship of this county. I said that
they might have talked about the dark
side of the moon, but did not."

\$1.00 To Frederick, Hagerstown, and Winchester and Return
via B. & O. R. B. from Washington, 8:00 s. m.
Sanday, November S, stopping at intermediate
stations; returning, leave Winchester and Hagerstown at 6 and Frederick, 7 p. m.

\$1.00 Doors, 1 1-2 Inch thick, by

## COLER IN SHEPARD'S BEHALF.

The Comptroller Champions the Tammany Candidate's Cause.

NEW YORK, Oct. 31.—The Grand Central Palace was well filled with men and remen when Robert B. Roosevelt called o order the mass meeting tonight, at chich Comptroller Coler was announced the principal speaker. Comptroller oler said in part:

The spirit of commercialism in politics was checked when Mr. Shepard was non-mared, and that spirit will receive a death loow when he is elected. If there are men a politics in this city, and there are, who mbordinate the public interest to private ain, they will be out of business after ismuary 1, if Mr. Shepard is elected. His election will destroy in this city that langerous political system that would device arrivate revenue from manipulation of ingerous political system that would de-ve private revenue from manipulation of thite business and the property of the opte, and next fall, when the people cut some honest and fearless Democrat Governor of the State of New York, publican commercialism in politics and distation will be destroyed and we shall ter on an era in which the people and e rights of the people shall be supreme, sen we shall have no more politics for-rsonal gain.

personal gain.

"The Democracy, under Mr. Shepard, is perfectly able to do its own housedeaning. A housedeaning is necessary, and if I did not believe your candidate was just the man to do it I should not be here to-night advocating his election."

#### WAGERS AT EVEN MONEY.

Bettors Regard Justice Jerome' Chances as Somewhat Improved.

NEW YORK Oct 31 -The election betday of the effect of Justice Jerome's allegation that Senator Platt and Wil-liam C. Whitney were conspiring to defeat him, for the "fighting judge" fared of their own destines better in the betting odds than he did the day before. At least two wagers were made in the Wall Street curb market apon even terms that Jerome will be elected, whereas on Wednesday the pre-vailing odds against him were 2 to 1. As it was, however, the betting rates towere rather uncertain, ranging from money to Wednesday's quotation of

In the betting on the mayoralty, Seth Low continued a slight favorite. Ten to nine on Low was about prevailing odds, although they were at times slated to II to 19. One of the largest bets of the day was \$5,00 to \$7,200 on Low, bet by Flower & Co. with a Stock Exchange member, whose name was not disclosed. Another good-sized bet made upon the stock exchange was \$5,000 to \$4,500 on Low, the Shepard end being taken by Kerr & Co.

Lucien I., Bonheur, who said he was acting for a prominent uptown politician, bet upon the curb \$10,000 even on Low with James F. Harris & Co.

#### HIS APPOINTMENT OPPOSED. Columbia, S. C., Citizens Attack Man Who Led a Mob.

CHARLESTON, S. C., Oct. 31.-Because e openly boasted of having fired the first shot at a negro who had been hanged by a mob, the citizens of Columbia, accord ing to information received here tonight. have prepared a petition orging Preside Rooseve't not to commission George R. internal revenue from this State,

Newspaper men and others who ettended the lynching are said to have made affidavits charging Koester with baving fired a fatal shot. Referring to the appointment a Columbia newspaper said editorically.

pointment a Columbia newspaper said to torielly:

"Koester has not, like the President, a record for potting congars and Spaniards, but he is a fellow sportsman—he has been known to claim and discharge the first shot at a nigger when that object of the chase was strung up by lynchers near this city a tew years ago."

Personal enemies of Koester started the potition.

## THE QUARANTINE RAISED.

Close Senson Against Cuban Ports

Ended With Today. JACKSONVILLE, Fla., Oct. 31.-Tomorrow, occording to the regulations, the close season against Cuba will be raised at all Florida stations. The close quarantine season ends on Nevember I, and stations passing under the regime of the regulations which are usually in effect ring the winter months between Florida and Cuban ports will be observed. Verselfrom for ign ports are inspected through-out the year, but during the winter mouths they are not detained for any length of time at quaranthe, and pas-sengurs can pass through without delay. State Health Officer Porter officially notithe various quarantine officials in the lose quarantine season closes Noven r I. Vessels from foreign ports will e inspected throughout the year. "J. Y. PORTER, "State Health Officer."

## IRISH LEADERS ARRIVE.

John E. Redmond and His Party Welcomed at New York.

NEW YORK, Oct. 2L-John E. Red nond, leader of the Unit I frish League nd of the Irish Nationalist party, in the British Parliament, arrived today on the Majestic. With Mr. Redmond came Pat-ick McHugh and Thomas O'Donnell, likevise Nationalist members of Parliament are at the Hoffman House, where hey will remain until the latter part of text week, when they will start on a our of the country to organiz is of the United Irish League.

#### CLOSE OF THE EXPOSITION. Fair Weather Graces the Pan-Amer-

BUFFALO, N. Y., Oct. 31.-Ideal weath er favors the closing days of the exposi-Saturday is to be farewell day, and the grounds. Among the attractions will be a series of events in the stadium, in-cluding a sham battle between 700 In-dians and the regulars from Fort Porter. Most of the mea running for office will take the opportunity to show themselves to the voters on Saturday.

#### A BATTLE WITH THE YAQUIS. Fifteen Indians Killed and Wound. ed by Mexican Troops.

TUSCON, Ariz., Oct. 31.-There was Wednesday between Yanula and Mexican cavalry, in which ifteen Yaquis were killed and wounded and a number of troopers were wounded.

and a number of troopers were wounded. The charge was led by Lieutenant Colonel Quinto, with 300 men, all mounted. They left Guayamas upon receiving repeated despatches announcing raids made by the Indians, and the murder of half a dezen Mexican ranchmen.

The Indians were camped in La Tuna canyon when the troops came upon them. A fight at close range began, and lasted twenty minutes. The troopers rode upon the ludians, killing them with sixshooters. These who escaped fied to the mountains.

# Ocean Steamship Movements.

NEW YORK, Oct. 31.-Arrived: Sicilia lenoa: Pisa, Hamburg, Arrived out: Ten ic, from New York at Liverpool; Celile, from New York at Liverpool, Fuerst Bismarck, from New York at Gibraltar; Graf Waldersee, from New York at Ham-

\$1.25 to Baltimore and Return, via I and 2, tickets good returning Monday. Good on all trains nited.

12 inch Bright Board, \$1.50 per 100

## MASO TO BE A CANDIDATE

The Cuban General Announces His Intention to Run.

A Manifesto Issued Seeking the Support of the Anti-Annexationists-The Final Independence of the Is land Strongly Insisted On

HAVANA, Oct. 21 .- General Maso ha issued a manifesto to the country saying that the unavoidable duties of patriotism oblige him to present himself as a candidate for the Presidency. He adds that h has received urgent requests from all parts of the island asking him to become a candidate, thus allowing an opportunit for the fulfillment of the legitlmate aspir ations of the country and genuine Cub traditions, and also a basis on which to unite all the social forces. The Cuban dia not go into the revolution simply to effect a change in rulers. If they had fought Spain in order to realize end other than independence, the honorable course would have been to proclaim it.

Continuing, he says in substance that owing to the general mode and conduct of the military occupation, the country is ipset and disorder is enthroned. For the reasons the most respectable course is to admit frackly the reality of things. The republic about to be established will not be an independent State, but within the terms of the appendix to the Constitution the Cubans can be cultured people with a stable government and, in time, per haps, will develop into being the masters

Being grateful to the Americans and disposed to maintain cordial relations with them, it is not necessary to say that local institutions cannot be subject to illegitimate demands or unjust servite for whatever reason. If Cuba is to fulfill her duties as a Republic, virile pro-test must be made against injustice from whatever source it may come. It is necessary to call upon the autonomist ele ment, and also upon the colored race which performed services in times of war and which has also a strong influence for peace and order. The colored race cannot and must not be relegated to the background, but must have participation in the government,

The Spaniards must also be called upon for to their fate the country cannot be in different. Cuba is poor today, but her re sources are not so scarce that it will be impossible for her to attend to the need of the Government. At the beginning care must be taken to abolish useless branches of administration and to strengthen necessary ones. The country is potentially very rich. Like the spider, it draws its web from its own body. It affairs are judiciously managed the coun-

try can pay its way. In any treaty with the United States the firm decision of Cuba not to resign her ationality should be made clear, and this should also be set forth in response to attempts by the United States to obtain cessions. Special attention should be given to the payment of the army. General Maso further says that the harmony of the executive with the people will be un

the executive with the people will be unbreakable. It is claimed that General Maso will have the support of the autonomists and Gualberto Gomez, together with a large number of other negroes, who, while accepting Senor Palma, are violently opposed to the Coban official element which is supporting him. It is expected that this element will have an enormous advantage in the elections, owing to their being in power at present. There is a large section that has not yet decided which candidate to support. Both candidates may have the support of a number of annexationists. Personal likes and dislikes will decide in many cases. It is thought by some that General Maso is likely to be surrounded by a

# A Practical Quarantine Against I

Established at Panillac. PARIS, Oct. IL-A despatch from Pauli ac says that owing to the prevalence of have been received to disinfect all vessels coming from that port. It is also ordered that they shall discharge their cargoes at a special place.

GLASCOW, Oct. M .- The bubonic plague has reappeared here. Four per-sons suspected of suffering from the disase were lately removed from the Cen Subsequently three of them were certi-

fied to have the plague, and one of them has died. The hotel has been closed.

#### BOLOMEN MAKE AN ATTACK. Two Men of the Ninth Infantry Killed in a Skirmish.

MANILA, Oct. 31.-A report from Cat-alogen, in the Island of Samar, details an attack on twelve members of Com ommand of Sergeant Willford. San Antonio as a scouting expedition. The umber of bolomen in the place. The attack was made by 150 insurgents, who of the soldiers were killed and two others

Great courage and coolness were dis played by Willford, and his men de e acted splendidly. The Filipinos had fourteen men killed, Captain Bookmiller, of Company G, has

recommended Willford for a medal of ner and Privates Swanton and Vero for certificates of merit.

#### INSURGENTS HAD TO YIELD. Forced to Surrender by a Popular Demand for Peace.

MANILA, Oct. 31.-General Hughes, th American commander on the Island of Samar, has received the surrender of the chief of the Cebu insurgents, with 15 riffes, 60 officers, and 470 men. The sur who made a demand for the restoration Reports have been received of numerous

small engagements between the Ameri-cans and rebels on the islands of Samar and Leyte, and also in Mindore, where the United States troops have rescuetwo American prisoners and destroyed th usurgents' main depots of supplies,

#### MOROCCO PAYS AN INDEMNITY. of Spanish Children.

TANGIER, Oct. 31.-Moroeco has pale ecount of the abduction of a Spanish ias added \$1,000 for the parents of the two captives.

\$1.42 to Annapolis and Return vis B. & O. R. R. All trains, Saturday, November 2, valid for re-urn until Menday following.

Dressed Common Lumber, \$1.25 per

#### THE FRENCH FLEET RETURNS. Admiral Calllard's Squadron An-

chors in the Harbor of Toulon. TOULON, Oct. 31 .- The whole of Ad niral Calllard's squadron returned here his evening, and moored in the harbor. The news of the return of Admiral allow the cause to be ascertained. e orders instructing him to proceed to the Levant, as it is understood that he was not to open his orders for three tays, and it is believed that the squad ron was only victualed for two days. It assumed that Admiral Caillard wil omplete his equipment and sall prompt

Bapst, councilor of the French Embassy at Constantinople, has telegraphed to M. Delcasse, the Foreign Minister, that the fultan has yielded on all points, but this dees not appear at present to be more

The Foreign Office confirmed the report that Admiral Caillard is to proceed to the Levant. It is denied, however, that the admiral has received orders to land troops in Salonica or on the Island of

PARIS, Oct. 31 .- The "Liberte" publishes today an interview with an ex-Foreign Minister, who takes a pessimistic view of the Eastern situation. He thinks that England is giving secret support to ment for its delay in sending ships to the East. In his opinion the present trouble amounts to a reopening of the Eastern

On the other hand, the Turkish author ities do not seem to be particularly moved by France's action in sending a fleet to the Levant. It is thought that Admiral Calliard has been ordered to make a certain port, there open scaled orders, and await fresh instructions, the French Government believing that, in the interval, Turkey will yield. The squadron is composed of four armored cruisers and two tormeds best destroyers.

posed of four armored cruisers and two torpedo boat destroyers.

The Turkish Embassy in Paris does not think that Salonica is a likely destination, in view of France's regard for Austrian susceptibilities. Mitylene is thought a more likely objective point.

The French Levantine squadron, according to the "Liberte," consists of the armored cruisers Admiral Pothus, which is the flagship; the Chanzy, the Latouche-Treville, and the cruiser Du Chalya, the cruiser Gaillee, and the cruiser Casard. The "Temps" gives the list as the Gaulois, Charlemagne, Pothau, Latouche-Treville, Gaillee, and two torpedo boat extchers.

#### ENGLAND BARE OF REGULARS. Only One Regiment of Cavalry to Be

LONDON, Oct. 31 .- When the Seventh lussars and the Second Dragoon Guards have sailed for South Africa, in a fort-night, there will be only one regiment of regular cavalry left in the United King-

Heavy infantry drafts, to the extent of home army corps, who is not debarred by being under age, will be despatched to the front between this date and Christmas.

#### SENTENCED AS A REBEL.

A Barkley West Man Fined and Sent to Prison. 1

CAPE TOWN, Oct. fl.-A Barkley West rebel who caused the death of two native despatch riders by betraying their tenced to four years' imprisonment and

## CUT OFF BY TRIBAL WARS.

Communication With the Interior Stopped in the New Hebrides, VANCOUVER, Oct. 31 -- The latest news wing to the fierce tribal wars of exter

mination among the natives, all co ration between the shere, and the interir on many of the islands han been on ff. On other Islands, influenza was killng off natives in large numbers. The Kanaka expulsion bill is to be made

aw by the Federal authorities of Australia. The bill provides for the gradunds from Australia. In four years fewin 1904 all immigration will be stopped. lia will be expelled from the country;

#### FOR A PROTESTANT UNION. Speech in the Australian Synor

VANCOUVER, Oct. \$1.-The Rev. D. M. Berry, member of the Anglican Synod ast held at Melbourne, has brought down n Australia on his head by a speech he ion "that Protestant churches should orm closer union to offset the offensive nduct of agents of the Vatican

Mr. Berry said in effect that Rome was sending to Australia half priests and half soliticians as emissaries or agents of a ditutions; that the priests were agents of ters that priests should let alone. He did not know that thers were cruelties practiced in Melbourne's convents, as reorted in France, but with no power of esolution was adopted.

#### KING EDWARD'S HEALTH. The British Medical Journals Disbe-

lieve the Alarmist Reports. LONDON, Oct. 21.-The "Lancet" today

that the rumors in regard to the King's calth are entirely untrue. His health is good, and he has undergone no operation That responsible journst, the "Medical

Press and Circular," calls for an official ncement as to the truth or falsity f the rumors in regard to King Edward's health. The fournal goes on to ward's health. The journal goes on to give particulars in regard to these re-ports. It says:

"It is stated that growths have, on three occasions, been removed from the King's left vocal couls, and that an immediate operation of another nature has since been rendered accessary."

The "British Medical Journal" states that the King's health is goed, and that no operation has been performed on him.

## SESSIONS NOT TO BE SECRET.

The Pan-American Conference to Admit Approved Correspondents. CITY OF MEXICO, Oct. 31.-The Par merican Conference today decided to dmit to its sessions the Director of the Sureau of American Republics and the Director of the Philadelphia Commercial Muscum; also such newspaper correcondents as the President of the Con-

The Conference adjourned till Saturday Norfolk & Washington Steamboat Co

Delightful trips daily at 6-20 p. m. from foot fith at, to Old Point, Norfolk, Vinginia Bench, and Newport News, General Tacket Office, Bond Bidg., 1ttls at, and N. Y. 809, Phone, 2020.

# SAMPSON SHORN OF GLORY

Robbed of the Last Vestige by Capt. F. E. Chadwick.

The Batteries of Santiago Declared to Have Been Practically Useless -The Commander.in-Chief Had Mentioned That the New York Had Sustained Their "Undivided" Fire -Also Disobeyed Instructions, and, by Implication, Blamed Schley for Not Doing So-A Day of Spirited Legal Tilts at Court of Enquiry

I am sure that Admiral Sampson could not have advised his subordinate to act in a manner contrary to what he had done him-self.—CAPT. F. E. CHADWICK, before the Court of Enquiry yesterday.

The "subordinate" to whom the com-nander of the New York referred with as emphasis of bitter surcasm was Rear Admiral Schley. He took this means to gain exhibit his enmity and contempt or the victor of Santiago, and to manitest his jeniousy But Chadwick, in his uncontrollable

fort to condemn Admiral Schley, went even further than this. In his attempt to onvict Admiral Schley, Captain Chadwick went so far as to admit that Samp son had disobeyed the instructions of the Navy Department, and at the same time glory that he brought out of the battle of Santiago.
It came up in this way. Chadwick was

pon the stand, called to testify that ampson had not communicated to Admiral Schley while on board the New York off Havana on May 18, the instruc-tions he had received from the Navy Department not to risk the ships aga he fortifications. Admiral Schley stated that Sampson had informed him as to the chadwick was to contradict that testi-

He did contradict it. He could remember that nothing was said about the instructions, but he could nly state a dozen words of the interview. all of which he said he heard. He ad-mitted that the Department had sent, en April 26 and May 17, instructions to Sampn not to risk the ships of his squadros gainst the batteries. Yet he declared that, disregarding these instructions, Sampson had bombarded the forts at San uan for three hours. It was a great en-agement, he said, but a mement later admitted that the result was not a uccess. He knew Sampson could not ave communicated the instructions to Schley, because "he could not have advised his subordinate to act in a manner mirary to what he had done nimself."

He said this with a slight but haughty sesture toward Admiral Schley, at the same time tossing back his Lead in a manner that indicated his contempt. Again, Captain Chadwick said that he knew, that Sampson knew, oh, every-body knew, that the fortifications at Santiago did not amount to anything. Then Mr. Rayner quietly suggested that Samp-son, in his report to the Secretary of the Navy, and stated that the New York (this was when she was coming up from be-hind the horizon, while Echley was fight-ing and winning the beittle) had sustained the "undivided fire of the batteries" at

#### Santlago. Sampson's Departed Glory.

This was all the glory that Sampson obtained from the engagement of July 2, and Chadwick, with one fell swoop, swept that away by declaring that the batteries were not in the least formidable. The thing most remarkable in Chadwick's testimony yesterday was this which he did not comp nd that, therefore, Schley was at fault in not attacking the batteries be he did not know that the Navy Department had issued an order against it Lieut. (junior grade) John H. Roys,

ho was aboard the Eagle, was a new wit less for the "Crowninshield case" yes-terday. He proved to be a young man was. He could remember, and repeat tween Commodore Schley and Lieutenant Commander Southerland more than three years ago, but he could scarce recall enything that be had said to South n regard to the same subject, not more

Although stationed at the navy yard, nd frequently in attendance at the Court of Enquiry, Lieutenant Roys (junior grade) had never thought to mention to the judge advocate anything about his ability to testify to the alleged conversa-tion between Schley and Southerland regarding the couling of the Eagle until geveral days ago, when he met Southerland at the Army and Navy Club, and Southerland wanted somebody to help him out, and substantiate him.

A. B. Claxton was also called in re-buttal. He was supposed to rebut what Chief Machinist Hunley had said. This the way he did it. He said that he (Claxton) was not at the port engine of the Texas during the early part of the engagement, but was at the airpump, just where Hunley said he was. He said it was possible that he might have been mistaken about the port engine of the thought he was correct. Captain Sigsb was also recalled yesterday, but the adlitional statement which he made was not very material to the case. It was oge an attempt at explanation than any-

said that the Indiana, on which ship he served, had started off after the supe an Austrian cruiser, before Sampson and ordered the Brooklyn and the Orego pursuit. He also said that he saw the oklyn in the loop, and that he did not see that she went anywhere near the

#### Reopening the Case. The major portion of the morning se-

mon two questions which were presented to the Court to decide. In the rulings of the Court the honors were divided between the "Government's side" and the

The first point involved the question as to whether or not the judge advocate his the right to bring witnerses in rebuttal Mr. Rayner argued that it was collatera

testimony and that as the statement at-tributed to Lieutenant Sears had been deiled by that officer, the judge advocate cointed out, too, that Admirai Schley was

Upon this matter the Court sustained

\$1.42 To Annapolis and Return \$1.42 Vin Penusylvania Railroad. Best S6x20 Shingles, \$6.50 per 1,000

Mr. Rayner held that that would be quivalent to a respending of the case quiry was not bound by the technical ules of evidence and that it could hear my witnesses it desired to at any time. After a long argument by Mr. Rayner he Court took the matter under advise-ment and decided that a witness might be ecalled at any time during the enquiry, o correct his testimony or to make a new statement, but that he could not reiter-ate a former statement. This was practi-cally all that the judge advocate contend-

The first witness to be examined was Capt. T. S. Borden, of the Marine orps, who was en board the Brooklyn turing the battle and the blockade prior thereto. Captain Borden was kept on the stand for about twenty minutes. He was cross-examined by both Mr. Rayner and Captain Lemly. He did not give much information not already adduced. He could hardly be heard when delivering his testimony, and it was necessary for the Court and counsel to ask him sev-

eral times to speak louder.

After Captain Borden was excused Mr. Rayner announced that he would call no more witnesses, and the next fifteen minutes was taken up in discussing certain documents, the arguments relating to admitting them in evidence. They included several letters and despatches of no great sportance and which are not included n the Naval Appendix.

Captain Parker then asked that the naval regulations be offered in evidence aptain Lemly suggested that when the Court was sworn the navy regulations were taken into consideration. He said the Court was always cognizant of that,

aptain Manney, of the Massachusetts, with regard to the signal record books of with regard to the signal record books of the Massachusetts, in which he says they are not to be found on board, but I am having a search made for them elsewhere. On Wednesday Mr. Rayner asked that the signal record books of the Massachu-setts he secured and placed in evidence, and Captain Lemly stated that they could not be found. The Wardrom Conversation.

he should rebut the statement made by Licutenant Sears as to a conversation had in the wardroom of the Massachu-setts on May 31. He was examined by aptain Lemly.
Q.-You have been a witness before the on a previous occasion

Lieutenant Grant, who was a witness

called in rebuttal. It was intended that

A.-Yes, sir.
Q.-You were interrogated with regard o the affair of May 31, whether it was a somilardment or a reconsolssance?

Q.—Who was present the subsequent time at the wardroom table? A.—The navigator sat at the corner of the table, on his left was Lieutenant Sears, on Mr. Sears left, myself, on my left Lieutenant Glemon: directly oppo-

Q.—Practically the entire mess?
A.—The entire mess practically.
Q.—I want you to state what the converation was in the stateroom of the navi-

putor. Mr. Rayner-Walt a minute. I object. Argument on an Objection.

Mr. Rayner-It is a perfectly self-ev which your question is based. He stated that he did not have such a conversation. This is a collateral matter, and you cannot bring up a witness to disprove a seek to impench says was not made, Mr. Rayner continued to argue the matter at some length, and rend the law on the subject. He contended that the sileged conversation did not relate to any of the specifications in the precept, and that it was an entirely immaterial matter. He said if such a conversation could be admitted, it would be possible to bring up any statement made anywhere at any time. It had, he said, no relevancy to the issues of the precept. It was no matter what Lieutenant Sorre said, how could that affect what Commodore Schley did? Commodore Schley was not present, and Mr. Rayner said the Court had time and again ruled out conversations had when Commodore Schley was not present. Captain Lemly—Wait a minute; that is not so. How about the megaphone conversation which Captain Signhe had with the nesses has a of testified to be well with

resation which Captain Signbee had with ie press boat and testified to by the wit-

ss Harror.—That is an entirely differ-ss Harror.—That is an entirely differ-mention. That was done for the pur-ose of contradicting the statement, or as recollection, of Captain Sigsbee. It ad a direct bearing upon one of the oints of the precept. It was with regard a whether or not the Spanish fleet was

other new witness yesterday for the At the conclusion of the arguments the Government's side." What he testified Court retired to consider the objection to, however, was in favor of Schley. He made by Admiral Schley's counsel. It resaid that the Indiana, on which ship he mained behind closed doors for fully twenty minutes and when it reappeared Admiral Dewcy made the simple an-

nouncement: "The objection as made is sustained by

Captain Lemly (addressing the witness) That is all, commander; you may regree.
Captain Sigsbee was then called to the stand. It was purposed by the indge advocate to question him concerning the conversation by megaphone he had with Mr. Hare, a newspaper illustrator, in which it is alleged that he informed Mr. Hare that the Spanish squadron was not in Santiago Harbor, and that Admiral Schley had left the vicinity with his ships.

The Court—You are still under oath, captain.

f proceeding would make an intermina-le case. When you close a case, you lose it. There is no getting around that, his one is closed now. If was closed by ou. The rule of the law is against this rocceding. Of course you can rebut nything new we have brought into the

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Mr. Rayner's objection, and the half dozen witnesses whom the judge advocate had called to contradict Lieutenant Scars were not allowed to testify.

The other point was braught out when Captain Sigstes went upon the stand, and it was announced that his evidence was not in rebuttal, but further evidence in

Mr. Parker-We will have the same

Mr. Parker-We will have the same right.

An Parker-We will have the same right. I am not going to object the same right. I am not going to object to your calling more witnesses if you see fit to do so.

Mr. Rayner-Now, I understand distinctly that when a case is closed, it is closed. What will be the result of this sort of testimony as is proposed to be submitted? It will open the whole case again. We can do the same thing. While this may not be a technical prosecution, it is a good deal like that. [Laughter, I do not mean to say that there has been any discrimination here. The Court has been most fair. Indeed, I do not think it could be more so. But when the case-was opened Captain Lemiy turned around to our late lamented colleague, Judge Wilson, and remarked: "Will you open!" Those were the words, if there is any witness who has made a mistake in his testimony, let him come up and say so, it. Captain say so, and let him correct it. I don't object to anything of that kind. If any witness wants to modify or qualify his testimony, then that is perfectly proper. I won't object to that, But I seriously object to opening the case again. I apprehend that with all the knowledge my friends have in regard to courts martial and courts of enquiry, they may know of some precedent in this matter which they can give to the Court. The authorities state that courts of enquiry are governed by the rules of common law.

Captain Lemiy—I want to say that there is no prosecution in this case, and that there never was.

Mr. Rayner—I knew you were going to say that, [Laughter.]

Captain Lemiy—Have you finished?

Mr. Hayner—No, I have just begun. [Laughter.]

Order will please be maintained in the

Laughter.) Admiral Dewey (rapping with his gave) Order will please be maintained in the

The Rule of Law Stated. Mr. Rayner-Now, if there is anything ew in this case that can be rebutted, if there is anything new in this testimony that affects Captain Sigabee, he can give it and answer it. But if the captain is here for the purpose of verifying state-ments that he has made or if he is here to sustain any statements he has made, such a proceeding would be contrary to the law. The rules governing a court of enquiry are the same as those governing every tribunal under common law. We have finished our case. Captain Sigsbee has testified to a certain conversation. He cannot be called upon again to testify in regard to this conversation unless in his previous testimony he omitted something or unless he has made a mistake. If he wants to make a correction in that testimony, then he can testify, but otherwise not. When you close your case, for must close your case. In the courts-of Maryland we would not call a witness after a case has been closed; we would not dream of such a thing. I am perfectly willing that any witness should be brought up to answer any hew matter. Bear this in mind please. I am willing that any witness should be brought up to correct mistakes or to answer any a new matters, but not to give conversations again that they have already testified to. If we should call up Captain Sigsbee we could call up Mr. Harr, and then we could call some one close. It would never end, It would be interminable. You cannot go around in a circle in this case. It must come to a close somewhere. That is the law.

Continuing, Mr. Rayner argued the consideral of the count of the court. enquiry are the same as those governing every tribunal under common law

bombardment or a reconnoissance?

A.—Yes, sir.
Q.—And you were on board throughout the entire engagement?
A.—Yes, sir.
Q.—You say Lieutenant Sears [Schley's flag lieutenant] was on board that day, did you not?
A.—Yes, sir.
Q.—Where did you see him?
A.—I first saw him on the quarterdeck about 11 o'clock. After epeaking to Mr. Sears and others on the deck I went below and shifted to my uniform. Then I came back on deck again and between II and 12 o'clock I went with Lieutenant Sears to the navigator's room, where he washed his hands preparatory to going to meas, and I had a conversation with him in that room, and afterward at the wardroom table.
Q.—Who was present in the stateroom of the navigator'
A.—The navigator's was there a part of the time, but I do not know whether he was there the whole of the time.
Q.—Who was present the smosequent the sunting laken his seat on the stant has been more or less attacked Continuing, Mr. Rayner argued the question at great length.

Captain Lemly (jumping up as soon as Mr. Rayner had concluded)—Absolutely nothing that has been said has any bearing upon this case. The argument is technical. I will not call it specious. There is no prosecution in this case. There is no defeace and no rejuttal. The only question is to get at the bottom facts. When I finished I suid: The judge advocate has no forther witnesses to call at this time." When the case opened there was some doubt in my mind es to who

for the applicant the opportunity to open. Now this witness [Capitain Sigsbee being referred to, he having taken his scat on the stand! has been more or less attacked and I think he has a right to come on and make whatever statement he desires that will further elucidate the facts, and I think we have the same rights with other witnesses.

Mr. Rayner—My brother always calls an argument "specious" when he does not enswer it.

Capitain Lemiy—I have nothing further to say upon this subject.

Mr. Rayner—I have never used the word prosecution as applied to the judge advocate and I want to say another thing. We are not asking any generasity. Whatever this case may be, it is a triel. I do not mean to call it anything eise. Now the first question for the Court to decide is as to whether they have a right to open up their case again. Then if the Court decides that they have not the right to ask their witnesses any question is rebuttal. There is not a question for the Court as the right to ask their witnesses any question in rebuttal. There is not a question before the Court as to what it rebuttal; that may have to be defined later. But the question is new Have they a

to section 130, rage 45, of the Regula-tions of the Navy for 130, which, he said, covered the case.

At this point the Court took a recess until 2 o'clock. The Afternoon Sexulen. When the Court resumed after the reess Admiral Dewey announced the de-sion of the Court in regard to recalling

Captain Sigsbee as a witness. In rendering the decision be stated that Admiral Schley had asked for the Court of Enquiry to investigate certain charges made against him, and that in view of this the Court was not restricted in its investigation by the technical rules of exidence. The substance of the decision was that a witness might be recalled at make a new statement, but not to reit-

erate a former statement. When Admiral Dewey had finished reading the decision Captain Lemly said:
"Now, captain, the Court has ruled upon
the question which was raised when you
were called to the stand. It is to the
effect that a witness may be called at any
time, or that a witness may be recalled
at any time to make a correction, or addition in the nature of a correction, in
his testimony, that the facts may, if possible, be placed clearly before the Court,
but that no witness may reiterate a former strictment." ng the decision Captain Lemiy sald:

rival of the Flying Squadron. I think here were two visits and one must have set aboard the Yale. My log shows that here were two and the assemblage on the seed was with the captain of the Yale, but is the only correction.

Q-I desire to ask you that when you fer to the log, do you mean the official A-Yes; it was the official log of the

Simsbee Confused by the Ruling. Q.—You are privileged at this time to make such additions to your testimony as or may have to offer. A -1 don't exactly understand the rul-

Q.-I think I may explain that "addius in the nature of corrections" refers Flynn's Business College, Sth and K.